

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13129 of 2017

Arising Out of PS.Case No. -194 Year- 2016 Thana -BUNIADGANJ District- GAYA

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1. Mahesh Manjhi S/o Late Naresh Manjhi
 2. Sandesh Manjhi, S/o Late Naresh Manjhi
Both R/o Village-Naudhariya, P.O.-Bijubigha, P.S.-Buniyadganj,
District-Gaya.

.... Petitioner/s

Versus

1. State of Bihar
2. Shailesh Paswan, S/o Late Ramotar Paswan, R/o Village-Naudhariya,
P.O.-Bijubigha, P.S.-Buniyadganj, District-Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 18-03-2017 Heard both sides.

The petitioners apprehend their arrest in connection with Buniyadganj P.S. Case No. 194 of 2016 registered for the offence punishable under Sections 341, 323, 504, 506, 420, 406/34 of the Indian Penal Code.

The informant in his written report has alleged that he had given a sum of Rs. 1,31,000/- to the petitioners and their mother as loan. But they did not return the said amount and they agreed to transfer land measuring 13 decimals in his favour. The mother of these petitioners executed a deed in favour of the wife of informant. The informant subsequently learnt that the land which was agreed to be transferred was a *Gairmajaura* land and so he demanded his money. It is further alleged that on 13.11.2016, the petitioners along with 5-6 persons came at his



place abused and thrashed him and also threatened of dire consequences.

Learned counsel for the petitioner submits that the informant has not produced any chit of paper as regards loan of Rs. 1,31,000/-. Whether it was given in one time or in different installment is also not mentioned. The dispute between the parties is purely a civil dispute as the informant has alleged that the petitioners had no title to transfer the land. The petitioners have clean antecedent and no offence as alleged is made out.

Learned APP, on the other hand, opposed the prayer.

Considering the nature of allegation and circumstances, the anticipatory bail prayer of petitioners is allowed. The petitioners, above named, in the event of arrest/surrender before the learned court below within a period of four weeks from today, be admitted on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M. Gaya in connection with Buniyadganj P.S. Case No. 194 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

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